

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VINCENZO FIORINO,

Plaintiff,

-against-

**STIPULATION OF  
SETTLEMENT OF  
ATTORNEYS' FEES**

15 Civ. 5435 (GHW)

CITY OF NEW YORK, et al,

Defendants,  
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**WHEREAS**, plaintiff Vincenzo Fiorino commenced this action by filing a complaint on or about July 13, 2015 alleging that defendants violated plaintiff's federal civil and state common law rights; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, defendant City of New York served plaintiff Vincenzo Fiorino with an offer of judgment pursuant to Fed. R. Civ. P. 68 on November 4, 2016.

**WHEREAS**, plaintiff accepted defendants' Rule 68 Offer of Judgment on November 10, 2016; and

**WHEREAS**, plaintiff has assigned his rights to attorneys' fees, costs and expenses to his attorneys, Beldock, Levine & Hoffman, LLP; and

**WHEREAS**, counsel for defendants, and counsel for plaintiff Vincenzo Fiorino now desire to resolve the issue of attorneys' fees, costs and expenses without further proceedings; and

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant City of New York shall pay to plaintiff's counsel, Beldock, Levine & Hoffman, LLP, the sum total of SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$17,500) in full satisfaction of plaintiff's attorneys' fees, expenses and costs. This sum total of SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$17,500) will be paid by check made payable to Beldock, Levine & Hoffman, LLP. Counsel for plaintiff, Beldock, Levine & Hoffman, LLP, hereby agree and represent that plaintiff has assigned his rights to attorneys' fees to them, and that no other claims for attorneys' fees, costs and expenses arising out of this action shall be made by or on behalf of plaintiff in any application for attorneys' fees, costs and expenses at any time.

2. In consideration of the payment of SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$17,500) by the defendant The City of New York, counsel for plaintiff, Beldock, Levine & Hoffman, LLP, does hereby release and discharge defendants and any present or former employees and agents of the City of New York or any entity represented by the Office of Corporation Counsel, from any and all claims of attorneys' fees, expenses and costs which were or could have been alleged in the aforementioned action.

3. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York.

4. This Stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, and nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

5. This Stipulation contains all the terms and conditions agreed upon by counsel for defendants and counsel for plaintiffs hereto, and no oral agreement entered into prior to the execution of this Stipulation regarding the subject of attorneys' fees, costs or expenses shall be deemed to exist or to vary the terms and conditions contained herein.

Dated: New York, New York  
January 25, 2017

BELDOCK, LEVINE & HOFFMAN, LLP  
*Attorneys for Plaintiff*  
99 Park Avenue, PH/26<sup>th</sup> Floor  
New York, NY 10016

By:   
JOSHUA S. MOSKOVITZ, ESQ.

ZACHARY W. CARTER  
Corporation Counsel of the City of New York  
*Attorney for Defendants*  
100 Church Street  
New York, New York 10007

By:   
BEN KURUVILLA  
*Senior Counsel*  
Special Federal Litigation Division